

022604
41 U.S.P.T.O.

UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
14131-1Total Pages in this Submission
76**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

VARIABLE POTENTIAL ELECTROKINETIC DEVICE

and invented by:

Rakestraw, David J.

and

Neyer, David W.

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 10/066,528

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below

2. Specification having 45 pages and including the following:
 - a. Descriptive Title of the Invention
 - b. Cross References to Related Applications (*if applicable*)
 - c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. Background of the Invention
 - f. Brief Summary of the Invention
 - g. Brief Description of the Drawings (*if filed*)
 - h. Detailed Description
 - i. Claim(s) as Classified Below
 - j. Abstract of the Disclosure

22278 10/788629
U.S.P.T.O.

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76

Application Elements (Continued)

3. Drawing(s) (*when necessary as prescribed by 35 USC 113*)
 - a. Formal Number of Sheets 15
 - b. Informal Number of Sheets _____
4. Oath or Declaration
 - a. Newly executed (*original or copy*) Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
 - c. With Power of Attorney Without Power of Attorney
 - d. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (*usable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. Application Data Sheet (See 37 CFR 1.76)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
 - a. Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(B) Statement (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Certificate of Mailing
 First Class Express Mail (*Specify Label No.*): EV 390735068 US

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(Small Entity)**

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Accompanying Application Parts (Continued)

17. Applicant claims small entity status. See 37 CFR 1.27.

(Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. Additional Enclosures (*please identify below*):

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
14131-1

Total Pages in this Submission
74

Fee Calculation and Transmittal

CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|---|--------------------------|----------|--------|-------------------------|----------|
| Total Claims | 16 | - 20 = | 0 | x \$9.00 | \$0.00 |
| Indep. Claims | 4 | - 3 = | 1 | x \$43.00 | \$43.00 |
| Multiple Dependent Claims (check if applicable) | <input type="checkbox"/> | | | | \$0.00 |
| | | | | BASIC FEE | \$385.00 |
| OTHER FEE (specify purpose) | | | | | \$0.00 |
| | | | | TOTAL FILING FEE | \$428.00 |

A check in the amount of _____ to cover the filing fee is enclosed.

The Director is hereby authorized to charge and credit Deposit Account No. 19-2090 as described below.

Charge the amount of \$428.00 as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: February 26, 2004



Signature

Michael Fedrick
Reg. No. 36,799
Sheldon & Mak
225 S. Lake Ave., 9th Floor
Pasadena, CA 91101
Tel: 626-796-4000
Fax: 626-795-6321

CC:

15541
022604
U.S.PTO

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**\$428.00**

Complete if Known

| | |
|----------------------|------------------|
| Application Number | Unknown |
| Filing Date | Herewith |
| First Named Inventor | RAKESTRAW et al. |
| Examiner Name | To Be Assigned |
| Art Unit | To Be Assigned |
| Attorney Docket No. | 14131-1 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None
 Deposit Account:
Deposit Account Number **19-2090**Deposit Account Name **SHELDON & MAK**

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity | Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non - English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR § 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|------------------------|---------------|-----------------|----------|
| 1001 | 770 | 2001 | 385 | Utility filing fee | 385.00 | | |
| 1002 | 340 | 2002 | 170 | Design filing fee | | | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | | | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | | | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | | | |
| SUBTOTAL (1) | | | (\$) | \$385.00 | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND

| Extra Claims | Fee from below | Fee Paid |
|-----------------------------|------------------|-------------------------------|
| Total Claims 16 | -20** = 0 | X 9.00 = 0.00 |
| Independent Claims 4 | - 3** = 1 | X 43.00 = 43.00 |
| Multiple Dependent | | = |

3. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|--------------|--------------|----------|----------|--|----------|-----------------|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | | |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 | | |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid | | |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent | | |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | | |
| SUBTOTAL (2) | | | (\$) | \$43.00 | | |

*or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|-----------------|-----------------------------------|--------|-------------------|--------------|
| Name (Print/Type) | Michael Fedrick | Registration No. (Attorney/Agent) | 36,799 | Telephone | 626-796-4000 |
| Signature | | | Date | February 26, 2004 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): RAKESTRAW et al.

Docket No.

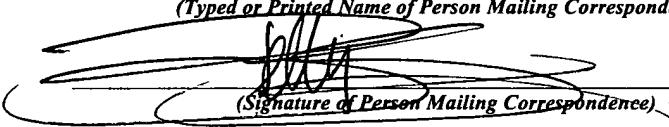
14131-1

Serial No.
UnknownFiling Date
HerewithExaminer
To Be AssignedGroup Art Unit
To Be AssignedInvention: **VARIABLE POTENTIAL ELECTROKINETIC DEVICE**

I hereby certify that the following correspondence:

Fee Transmittal and Transmittal Letter (5 pages); Preliminary Amendment (8 pages); Patent Application for Variable Potential Electrokinetic Devices (60 pages); Copy of declaration (2 pages); Return Postcard*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 26, 2004*(Date)***Betty Jauregui***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)*EV 390735068 US*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.